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PATENT

Customer No. 22,852

Attorney Docket No. 01064.0011-04000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3,3

In re Application of:

Richard LEVY

Application No.: 09/357,957

Filed: July 21, 1999

For: LUBRICANT COMPOSITIONS
AND METHODS

)
)
) ATTN: Office of Petitions
)
) Group Art Unit: 1714
)
) Examiner: M. Medley
)
)

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Commissioner for Patents
Box DAC
Washington, DC 20231

Sir:

PETITION TO THE COMMISSIONER PURSUANT TO 37 C.F.R. §1.181(a)

Appellant, on August 27, 2002 filed a Petition to the Commissioner pursuant to 37 C.F.R. §1.181(a)(1) from an Action of the Examiner in the ex parte prosecution of this application, and to invoke the supervisory authority of the Commissioner pursuant to 37 C.F.R. §1.181(a)(3).

Appellant requests the Commissioner advise him of the status of that Petition which seeks:

(1) That the Commissioner find that the Examiner did in fact issue a new ground of rejection in the May 22, 2002 Examiner's Answer in the appeal of this application;

(2) That the Commissioner order the Examiner to formally reopen prosecution of the application, and

(3) That the Commissioner order entry of the Rule 116 Amendment attached to the August 27 Petition in which appellant responded to the new grounds of rejection.

Conclusions

Appellant requests that the Commissioner grant the relief sought by the August 27 petition and any other relief the Commissioner may deem appropriate. If entry of this petition requires a fee not accounted for, appellant's attorneys request payment of any fees due from their Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 29, 2002

By: 

Robert J. Eichelburg
Reg. No. 23,057

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